

DEFENSE

**Agreement Between the
UNITED STATES OF AMERICA
and KENYA**

Effected by Exchange of Notes
Dated at Nairobi July 28 and
August 23, 2000



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

KENYA

Defense

*Agreement effected by exchange of notes
Dated at Nairobi July 28 and August 23, 2000;
Entered into force August 23, 2000.*

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 662

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and International Co-operation of the Government of Kenya and has the honor to refer to earlier discussions between representatives of the two governments regarding grants under the Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defense articles, related training, and other defense services from the United States of America to the Government of Kenya.

In accordance with these discussions, it is proposed that the Government of Kenya agree that unless the consent of the Government of the United States of America has been first obtained, the Government of Kenya shall not:

permit any use of any such defense article or related training or other defense service by anyone not an officer, employee or agent of the Government of Kenya;

transfer or permit any officer, employee or agent of the Government of Kenya to transfer such articles or related training or other defense services by gift, sale or otherwise; or

use or permit the use of such articles or related training or other defense services for purposes other than those for which provided;

that said articles or related training or defense services shall be returned to the Government of the United States of America when they are no longer needed for the purposes for which they were furnished, unless the Government of the United States of America consents to another disposition;

that the net proceeds of sale received by the Government of Kenya in disposing of, with prior written consent of the Government of the United States of America, any defense article furnished by the Government of United States of America on a grant basis, including scrap from any such defense article, shall be paid to the Government of the United States of America;

that the Government of Kenya shall maintain the security of such articles, related training, and other defense services; that it shall provide substantially the same degree of security protection afforded to such articles or training or other defense services by the Government of the United States of America; that it shall, as the United States may require, permit continuous observation and review by, and furnish necessary information to, representatives of the Government of the United States of America with regard to the use thereof by the Government of Kenya; and that the Government of the United States of America may also from time to time make the provision of other defense articles, related training and other defense services furnished under other authority (except the United States Arms Export Control Act) subject to the terms and conditions of this agreement. (Transfers under the United States Arms Export Control Act shall continue to be governed by the requirements of that Act and United States regulations applicable to such transfers.)

The Ministry's reply stating that the foregoing is acceptable to the Government of Kenya shall, together with this note, constitute an agreement between the two governments, which shall enter into force on the date of the Ministry's reply.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs and International Cooperation of the Republic of Kenya the assurances of its highest consideration.

Embassy of the United States of America.

Nairobi, July 28, 2000



MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL CO-OPERATION

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**HARAMBEE AVENUE
P.O. Box 30551
NAIROBI
KENYA**

Ref. No. **MFA. 231/28A**
and date

Date

The Ministry of Foreign Affairs and International Co-operation of the Republic of Kenya presents its compliments to the Embassy of the United States of America and has the honour to refer to earlier discussions between the representatives of the two governments regarding grants under the Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defense articles, related training, and other defense services from the United States of America to the Government of Kenya.

In accordance with these discussions, the Government of Kenya accepts the proposals contained in the Embassy's Note No. 662 of July 28, 2000 and agrees that unless the consent of the Government of the United States of America has been first obtained, the Government of Kenya shall not:

permit any use of any such defense article or related training or other defense service by anyone not an officer, employee or agent of the Government of Kenya;

transfer or permit any officer, employee or agent of the Government of Kenya to transfer such articles or related training or other defense services by gift, sale or otherwise; or

use or permit the use of such articles or related training or other defense services for purposes other than those for which provided;

that said articles or related training or defense services shall be returned to the Government of the United States of America when they are no longer needed for the purposes for which they were furnished, unless the Government of the United States of America consents to another disposition;

that the net proceeds of sale received by the Government of Kenya in disposing of, with prior written consent of the Government of the United States of America, any defense article furnished by the Government of United States of America on a grant basis, including scrap from any such defense article, shall be paid to the Government of the United States of America;

that the Government of Kenya shall maintain the security of such articles, related training, and other defense services; that it shall provide substantially the same degree of security protection afforded to such articles or training or other defense services by the Government of the United States of America; that it shall, as the United States may require, permit continuous observation and review by, and furnish necessary information to, representatives of the Government of the United States of America with regard to the use thereof by the Government of Kenya; and that the Government of the United States of America may also from time to time make the provision of other defense articles, related training and other defense services furnished under other authority (except

the United States Arms Export Control Act) subject to the terms and conditions of this agreement.

(Transfers under the United States Arms Export Control Act shall continue to be governed by the requirements of that Act and United States regulations applicable to such transfers).

The aforesaid Note shall together with this Note constitute an agreement between the two governments and shall enter into force on the date of the present Note.

The Ministry of Foreign Affairs and International Co-operation of the Republic of Kenya avails itself of this opportunity to renew to the esteemed Embassy of the United States of America, the assurances of its highest consideration.

23rd August, 2000
NAIROBI.



Embassy of the United States
Of America
NAIROBI.